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Appl. No. 10/810,121
Amtd. Dated September 15, 2006
Reply to Office Action of June 15, 2006

SEP 15 2006

REMARKS

Claims 1-17 are allowed.

Claims 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gan (US 6,469,889 B1).

Applicant appreciates allowance of claims 1-17 and Examiner's careful review and consideration of the present application.

Claims Rejection under 35 U.S.C. §102(b)

Claims 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gan (US 6,469,889 B1). Applicant cannot agree with Examiner's rejection for the following reasons:

Claim 18 expressly defines that a mounting apparatus assembly comprises a data storage device, a supporting member and a combination, the combination forms a deflectable latching section. Claim 18 further expressly depicts that the said data storage device is fixedly received in the space by engagement between the latching section and said one of the side walls, while is allowed to be removed from the space by movement of said handle relative to the combination to inwardly deflect said latching section for disengaging said latching section from said one of the side walls. That is, when the latching section engages with said one of the side walls the data storage device is fixedly received in the space, and when the latching section is inwardly deflected to disengage from said one of the side walls the data storage device can be removed from the space. Via movement of the handle, the latching section can be inwardly deflected to disengage from said one of the side wall, to thereby allow the data storage device to be removed from the space.

However, in Gan of 889', in disassembly, the handlebars 47 of the fasteners 14 are pushed toward each other. Thus, the handle portions 32

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of the fasteners 14 are displaced inwardly. This allows the tabs 98 of the front panel 92 to disengage from the respective apertures 48 of the fasteners 14. The data storage device 80 is then easily withdrawn from the opening 94 of the computer enclosure 90, with the pair of rail assemblies 10 sliding along the guiding grooves 96 of the drive bracket 95.(column 3, lines 51-58) That is, in Gan of '889, in disassembly, when the handle portions 32 of the fasteners 14 are displaced inwardly to disengage the tabs 98 of the front panel from the respective apertures 48 of the fasteners 14, the data storage device 80 can be removed from the opening of the computer enclosure 90. At that time however, the fingers 46 of each rail 12 are still resiliently contacting the corresponding side walls of the drive bracket 95. Thus, in Gan of '889, whether the data storage device can be removed from the opening of the computer enclosure 90 or not has no relationship with the fingers 46. Furthermore, in Gan of '889, when the handlebars 47 are pushed in, the handlebars 47 cannot inwardly deflect the fingers 46 for disengaging the fingers from the corresponding side walls of the drive bracket 95 to thereby allow the data storage device to be removed from the opening 94.

Thus, Gan of 889' is different from Claim 18 since at least, Gan does not disclose that the data storage device is allowed to be removed from the space by movement of said handle relative to the combination to inwardly deflect said latching section for disengaging said latching section from said one of the side walls. Therefore, Claim 18 should be patentable.

Claim 20 should also be allowable since it depends on allowable independent Claim 18 directly or indirectly.

Claims 19 and 21 should also be allowable since they depend on allowable independent Claim 18 directly or indirectly.

In view of the foregoing, the subject application as claimed in the

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**pending claim is in a condition for allowance and an action to such effect
is earnestly solicited.**

Respectfully submitted,

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